

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

DAVID HASSELL

**MOTION TO DISALLOW
CLAIM**

Chapter 13 Case No. 11-10228

Debtor(s)

The Debtor, David Hassell, through his undersigned attorney, hereby moves to disallow the Proof of Claim filed by GE Money Bank, now transferred to InSolve Recovery, LLC, filed on the Claims Register as Claim 24-1 in the amount of \$5,622.96 in the following respects:

1. On information and belief, the creditor does not have a perfected security interest in the alleged collateral, a 2008 Can Am 4x4.
2. The value of this eight year old machine is \$2,205.00 or less, as appears from the attached NADA print. That in any event, Debtor has already paid the value of the machine through the Plan.

WHEREFORE, debtor requests the Proof of Claim be disallowed as Secured and reclassified as wholly unsecured.

Dated: 9/29, 2016

/s/David F. DeVall

DAVID F. DeVALL, ESQ.
Attorney for Debtors
59 Franklin Street
Saratoga Springs, NY 12866
(518) 584-8521



Autos Motorcycles RVs Boats Classic Cars Manufactured Homes Store

NADAGUIDES MOTORCYCLE PRICING MOTORCYCLE RESEARCH TOOLS COMPARE MODELS

Change Manufacturer > Change Year & Model > Change Options > Values



2008 Can-Am Outlander 500 (4X4)

[Research another ATV](#)
[Compare](#)

Values	Specifications	Special Notes
Values		

Values

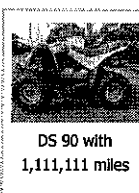
[Print](#)

	Suggested List Price	Low Retail	Average Retail
Base Price	\$7,299	\$2,205	\$2,900
Options: <small>(add)</small>			
TOTAL PRICE:	\$7,299	\$2,205	\$2,900

ATVs for Sale

We found 5 Can-Am listings within 200 miles of your zip code.

[View All](#)



ATV Trader: [Submit](#)

Sell your ATV

Post your ATV ad fast and for FREE
 Be seen by over 1 million shoppers a month

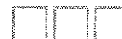
ATV Trader: [Submit](#)

ATV Resources

New and used ATV loans - Get approved quickly and safely
 Buy a ATV price guide

[New trucks and SUVs for your consideration](#)

Skinner & Damulis
 Richfield Springs, NY



2016 Ram 1500

[LEARN MORE](#)

ATV Insurance


Save with a FREE quote on a 2008 Can-Am

- Get your free Insurance Quote in minutes
- Protect your investment
- Stay protected for as low as \$75 per year
- Customized Motorcycle Program made available to suit your coverage

PROGRESSIVE [Submit](#)

Research other
trucks and cars

B10 (Official Form 10) (04/10)

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF NEW YORK AT ALBANY		PROOF OF CLAIM
Name of Debtor: DAVID L. HASSELL, ANNMARIE HASSELL		Case Number: 11-10228 Ch 13
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): GE Money Bank		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent: GE Money Bank c/o B-Line, LLC MS 550 PO Box 91121 Seattle, WA 98111-9221 Telephone number: (866) 670-2361		
Name and address where payment should be sent (if different from above): Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
1. Amount of Claim as of Date Case Filed: <u>\$9,911.16</u> If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4. If all or part of your claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount. Specify the priority of the claim. <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B). <input type="checkbox"/> Wages, salaries, or commissions (up to \$11,725*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4). <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5). <input type="checkbox"/> Up to \$2,600* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7). <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8). <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(). Amount entitled to priority: \$ _____ <small>*Amounts are subject to adjustment on 4/1/13 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
2. Basis for Claim: See Attachment(s) (See instruction #2 on reverse side.)		
3. Last four digits of any number by which creditor identifies debtor: <u>XXXXXXXXXX9257</u> 3a. Debtor may have scheduled account as: <u>GE Money Bank - Bombardier</u> (See instruction #3a on reverse side.)		
4. Secured Claim (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input checked="" type="checkbox"/> Other Describe: 08 Cam Am 0004E8A00 Value of Property: <u>\$5,622.96</u> Annual Interest Rate _____ % Amount of arrearage and other charges as of time case filed included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: <u>\$5,622.96</u> Amount Unsecured: <u>\$4,288.20</u>		
6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim. 7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain: <u>SEE ATTACHMENT(S)</u>		
Date: 3/12/2011 Signature: The person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any. <div style="text-align: center;">  /s/ STEVEN G. KANE Authorized Agent E-Mail: bline.chapter13@blinellc.com </div>		FOR COURT USE ONLY

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.



ACCOUNT INFORMATION

Debtor(s) Name:	HASELL, DAVID HASELL, ANNMARIE
Debtor(s) SSN:	XXX-XX-1954 XXX-XX-8797
Account Number:	XXXXXXXXXXXX9257
Creditor Name:	GE Money Bank
Assignor:	GE Money Bank - Bombardier
Open Date:	02/10/2008
Last Payment Date:	10/12/2009
Last Payment Amount:	\$59.00
Charge Off Date:	05/16/2010
Balance as of Filing:	\$9,911.16
Basis for Claim:	See Attachment(s)

CASE INFORMATION

Case Number:	11-10228
Bankruptcy Filing Date:	01/31/2011
Current Chapter:	13
Court District:	NORTHERN DISTRICT OF NEW YORK
Court City:	ALBANY
Trustee:	ANDREA E CELLI
Counsel for Debtor(s):	DAVID F DEVALL
Counsel Address:	59 FRANKLIN ST SARATOGA SPRINGS, NY 12866-3055





0950 BRP

SALES SLIP

GE MONEY BANK

ACCOUNT NUMBER

9 2 1 5 1 7

5 3 4 8 1 2

DEALER NUMBER

0 9 5 1 0 2 1 0 0 7 9 1 0

CUSTOMER NAME

DAVID HASSELL

DEALER NAME

PROGRESSIVE MOTORSPORTS

DEALER PHONE NUMBER

5197474693

DEALER ADDRESS

2 1 1 0 BRP 210 ATV Promo for all Can Am models except Sara
CREDIT PLAN* (DESCRIPTION)
*SEE REVERSE SIDE FOR OTHER THAN STANDARD PLAN TERMS.

0 2 1 1 7 2 1 7

AVH CODE

N Y

PROPERTY STATE

Description	Item Value
YEAR 2 0 0 8 <input checked="" type="checkbox"/> NEW <input type="checkbox"/> USED	
MAKE C A N A M	
MODEL 0 0 0 4 E 8 A 0 0	
VIN# 2 B V H G C K 1 8 9 V 0 0 0 8 8 4	1 8 9 4 4 9 1 2
YEAR <input type="checkbox"/> NEW <input type="checkbox"/> USED	
MAKE	
MODEL	
VIN#	
LIST \$	
MISC. \$	
ITEMS \$	
OVER \$	
\$500 \$	0 1 0 1 0 1 0

0 2 / 1 2 / 1 2 0 1 0 8
DATE OF SALE

0 2 / 1 2 / 1 2 0 1 0 8
DATE OF DELIVERY

SUB.TOTAL	1 8 8 4 4 9 1
SALES TAX	6 1 9 1 5
FILING FEES	
OTHER FEES	2 7 5 0
CASH DOWN PAYMENT	
NET TRADE-IN	
TOTAL DOWN PAYMENT	1 0 0 0
AMOUNT TO BE FINANCED	1 9 4 9 1 5 6

BUYER SIGNATURE

DATE SIGNED

By signing, I certify that the Promotional Credit Plan and Amount to be Financed are correct and I grant GE Money Bank a purchase money security interest in the collateral financed. I agree to the terms and conditions of any applicable Special Payment Plan (on the reverse side) and the GE Money Bank Credit Card Agreement governing my Account.

STORE USE ONLY

Applicant's ID (Type and Number)

Employee

Name of Employee Obtaining Verification

Date

GE USE ONLY

Ticket Number

59250

BRP Credit Card cannot be used for down payments.

200-826-00 (03/05) BRP

PROGRESSIVE MOTORSPORTS, INC.

3058 State Route 4
 HUDSON FALLS, NEW YORK 12839
 (518) 747-4593
 FAX (518) 747-4806

CUSTOMER'S ORDER NO.		PHONE		DATE 2/21/8	
NAME Dave Hassell					
ADDRESS 389 Malta Ave Ballston Spa NY 12020					
SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RETD.
PAID OUT					
QTY.	DESCRIPTION			PRICE	AMOUNT
2	705500606 Rear Tires			137.77	220 43
2	705400431 Front Tires			142.77	228 43
4	Tire Mounting				N/C
	0230-0076 wheels			84.85	271 84
1	0223-0026 Cap.			15.95	12 76
1	C lug 11-BX lugs			20.95	16 76
1	715000254 wheel			69.99	420 —
1	715000286 Hub plate			30.99	24 79
				27	50
Store Credit Only on Returns.				8844	94
RECEIVED BY 2012				TAX	617 15
				TOTAL	9491 59

20322

Thank You!

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

AT ALBANY

In re:

DAVID L. HASSELL
ANNMARIE HASSELL

Debtor(s).

Bankruptcy Case No. **11-10228**

Chapter 13

CERTIFICATE OF SERVICE

I hereby certify that on the day I electronically filed the foregoing document and all applicable exhibits with the Clerk of the Bankruptcy Court using the CM/ECF system, the CM/ECF system sent notification of such filing to all parties of interest participating in the CM/ECF system, including, but not limited, to the following participants:

DAVID F DEVALL

ANDREA E CELLI

/s/


STEVEN G. KANE

MS 550

PO Box 91121

Seattle, Washington 98111

B210A (Form 210A) (12/09)

UNITED STATES BANKRUPTCY COURT
For the Northern District of New York

In re David Hassell,

Case No. 11-10228

TRANSFER OF CLAIM OTHER THAN FOR SECURITY

A CLAIM HAS BEEN FILED IN THIS CASE or deemed filed under 11 U.S.C. § 1111(a).
Transferee hereby gives evidence and notice pursuant to Rule 3001(e)(2), Fed. R. Bankr. P., of
the transfer, other than for security, of the claim referenced in this evidence and notice.

InSolve Recovery, LLC

Name of Transferee

GE Capital Retail Bank

Name of Transferor

Name and Address where notices to transferee
should be sent:

Court Claim # (if known): 24

Amount of Claim: \$9,911.16

Date Claim Filed: 05/18/2011

InSolve Recovery, LLC
BOX 88710
MILWAUKEE, WI 53288-0710

Phone: 866-870-1717
Last Four Digits of Acct #: 9257

Phone: (888) 676-2722
Last Four Digits of Acct. #: 9257

Name and Address where transferee payments
should be sent (if different from above):

Phone:
Last Four Digits of Acct #:

I declare under penalty of perjury that the information provided in this notice is true and correct
to the best of my knowledge and belief.

By: /s/ Nichlas P. Spallas
Transferee/Transferee's Agent

Date: 2/6/2012

Penalty for making a false statement: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 & 3571.

**ASSIGNMENT OF ACCOUNTS
AND WAIVER OF NOTICE OF TRANSFER OF CLAIMS**

General Electric Capital Corporation, GE Capital Retail Bank, GEMB Lending Inc., Monogram Credit Services, L.L.C., RFS Holding, L.L.C. and GEM Holding, L.L.C. (collectively "Seller"), for value received, without recourse, to the extent permitted by applicable law, transfers, sells, assigns, conveys, grants and delivers to InSolve Recovery, L.L.C. (the "Buyer"), all right, title and interest in and to (i) the Accounts which are described on documents furnished by the Seller to the Buyer in connection herewith; and (ii) all proceeds of such accounts (each, an Account) after the close of business on December 29, 2011.

Pursuant to the foregoing assignment, the Seller stipulates that the Buyer may be substituted for the Seller as the valid owner of the Accounts and hereby waives any notice or hearing requirements imposed by Bankruptcy Rule 3001 (e) (2) or otherwise.

Each of the obligations of the Seller required to be performed by the Seller on or prior to the date hereof pursuant to the terms of the Purchase Agreement dated December 19, 2011 between the Seller and the Buyer (the Agreement) has been duly performed; and all representations and warranties of the Seller made under such Agreement are true and correct as of the date hereof.

Dated: 12/30/11

General Electric Capital Corporation

By: _____
Name: Ken Wojcik
Title: Vice President

GE Capital Retail Bank

By: Glenn P. Marino
Name: Glenn P. Marino
Title: President

GEMB Lending, Inc.

By: Stephen Motta
Name: Stephen Motta
Title: General Manager

Monogram Credit Services, L.L.C.

By: Glenn P. Marino
Name: Glenn P. Marino
Title: President

RFS Holding, L.L.C.

By: Vishal Gulati
Name: Vishal Gulati
Title: CFO

GEM Holding, L.L.C.

By: Vishal Gulati
Name: Vishal Gulati
Title: CFO

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Dated: 12/30/11

General Electric Capital Corporation

By: Ken Wojcik
Name: Ken Wojcik
Title: Vice President

GE Capital Retail Bank

By: _____
Name: Glenn P. Marino
Title: President

GEMB Lending, Inc.

By: _____
Name: Stephen Motta
Title: General Manager

Monogram Credit Services, L.L.C.

By: _____
Name: Glenn P. Marino
Title: President

RFS Holding, L.L.C.

By: _____
Name: Vishal Gulati
Title: CFO

GEM Holding, L.L.C.

By: _____
Name: Vishal Gulati
Title: CFO